

# **Exhibit 16**

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June 19, 2015

**VIA E-MAIL TO: jay.weil@fedarb.com**

The Honorable Vaughn Walker (Ret.)  
c/o Mr. Jay Weil  
Federal Arbitration, Inc.  
228 Hamilton Avenue, 3<sup>rd</sup> Floor  
Palo Alto, CA 94301

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-5944 SC, MDL No. 1917  
(N.D. Cal.): The Toshiba & Panasonic Defendants' Response To The DAPs' Notice Of  
June 11, 2015

Dear Judge Walker:

We have received a copy of the DAPs' notice of June 11, 2015. Because that notice contains a misstatement and raises new arguments, we submit this joint response for Your Honor's consideration.

The misstatement made by the DAPs in their June 11, 2015 notice concerns the October 29, 2014 motion filed by the DAPs and the IPPs. According to the DAPs, “[a]fter extensive negotiation and compromise by the DAPs, Toshiba was only willing to stipulate to the authenticity of **three out of ninety-four of its own documents.**” DAP June 11, 2015 Notice at 2 (emphasis in original). That is not correct. Of the 94 documents at issue, the Toshiba Defendants agreed that 93 documents were authentic. Attachment 1. Separately, the Toshiba Defendants agreed that three of the 94 documents are business records within the meaning of Rule 803(6) of the Federal Rules of Evidence. *Id.*

The new arguments raised by the DAPs concern the September 12, 2014 and September 19, 2014 motions to compel filed by the IPPs. The DAPs acknowledge that they did not bring either motion. Nor did the DAPs join either motion. By stipulation with the Toshiba Defendants, the IPPs withdrew their September 12, 2014 and September 19, 2015 motions to compel, which was approved by Judge Conti on March 26, 2015. Attachment 2 at 7. Similarly, by stipulation with the Panasonic Defendants, the IPPs withdrew their September 12, 2014 motion, which was approved by Judge Conti on October 22, 2014. Attachment 3 at 2. Once these motions were withdrawn, they became moot. Accordingly, there is no case or controversy for Your Honor or Judge Conti to decide with respect to these motions. *See Independent Union of Flight Attendants v. Pan American World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992) (“A party’s decision to withdraw a claim renders it moot”) (citing *Webster v. Reproductive Health Serv.*, 492 U.S. 490, 512 (1989)); *Earth Island Institute v. Albright*, 147 F.3d 1352, 1356 (Fed. Cir. 1998) (“Without a live case or controversy after

The Honorable Vaughn Walker (Ret.)

WHITE &amp; CASE

Earth Island withdrew its motion, the trial court lacked jurisdiction over this matter"); *Henry v. National Housing Partnership*, No. 1:06-CV-008-SPM, 2008 WL 2766067, at \*1 (N.D. Fla. June 27, 2008) ("The Court finds that there is no need for a hearing on a motion that is now being withdrawn. Therefore, document 578 shall be denied as moot."). Because the September 12, 2014 motion to compel was withdrawn as to both the Toshiba and Panasonic Defendants and the September 19, 2014 motion to compel was withdrawn as to the Toshiba Defendants, these are no longer pending vis-à-vis the Panasonic and Toshiba Defendants as to the September 12 motion and vis-à-vis the Toshiba Defendants as to the September 19 motion — there is nothing for the DAPs to join. Because the deadline for filing motions to compel has long since passed (N.D. Cal Local Rule 37-3), it is also too late for the DAPs to re-file the September 12, 2014 and September 19, 2014 motions in their own name. Finally, withdrawal of several motions filed by the IPPs (including both the September 12, 2014 and September 19, 2014 motions to compel) was part of the consideration that the Toshiba Defendants and Panasonic Defendants received in their respective settlements with the IPPs. Elsewhere, Your Honor has recognized that "it would be unfair to the parties to alter the balance of factors upon which these settlements have been reached . . ." Special Master's Report and Recommendation in Response to the Court's Order Filed February 9, 2015, at 4 (April 17, 2015). That principle applies with equal force here.

Moreover, with respect to the September 19, 2014 motion, the Panasonic Defendants engaged in a series of meet and confers with the DAPs on the specific subject at issue in that motion (*i.e.*, the production of statements to foreign antitrust authorities). The parties reached an agreement on that issue and the DAPs agreed not to file any motion to compel against Panasonic Defendants "relative to the Department of Justice or any foreign investigations or proceedings regarding CRTs, [or] otherwise [to] seek to obtain information regarding Panasonic and such investigations or proceedings either from Panasonic or from any government agency." Attachment 4. The DAPs thus waived their right to pursue this discovery from the Panasonic Defendants, particularly at this late stage of litigation when the deadline for filing motions to compel has long since passed.

\* \* \*

The Honorable Vaughn Walker (Ret.)

WHITE &amp; CASE

The DAPs attempt to justify their tardiness by pointing to Your Honor's Recommended Order concerning Mitsubishi's Motion to Compel ViewSonic's Percipient Witness Depositions and Coordination of Discovery (June 8, 2015) ("Recommended Order") as well as the Discovery Protocol in this case. DAP June 11, 2015 Notice at 3. But this argument is unpersuasive. The Recommended Order concerns a *pending* motion and a request by certain defendants for a ruling on that *pending* motion, notwithstanding the fact the parties originally involved in the dispute had settled. Thus, the Recommended Order involves a justiciable case or controversy, which is noticeably absent with respect to the *withdrawn* September 12, 2014 and September 19, 2014 motions to compel. Nor does the Discovery Protocol aid the DAPs. That protocol simply encouraged coordinated discovery in this case. The protocol does not (and cannot) create a case or controversy where none exists.

Respectfully submitted,

Lucius B. Lau  
White & Case LLP

*Counsel to Defendants Toshiba Corporation,  
Toshiba America, Inc., Toshiba America  
Information Systems, Inc., Toshiba America  
Consumer Products, L.L.C., and Toshiba  
America Electronic Components, Inc.*

/s/ Eva W. Cole

Eva W. Cole  
Winston & Strawn LLP

*Attorneys for Defendants Panasonic Corporation  
(f/k/a Matsushita Electric Industrial Co., Ltd.),  
Panasonic Corporation of North America, and  
MT Picture Display Co., Ltd.*

cc: All Counsel of Record

# Attachment 1

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October 22, 2014

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Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-5944 SC,  
MDL No. 1917 (N.D. Cal.): The Toshiba Defendants' Response To The List Of 94  
Documents Provided By The Plaintiffs

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Dear Mr. Grawlewski and Ms. Nelson:

Pursuant to the terms of our stipulation, this letter constitutes the Toshiba Defendants' response to the list of 94 documents you provided on October 10, 2014. Attachment A to this indicates which of those documents we are willing to stipulate are authentic and, separately, which of those documents we are willing to stipulate are business records within the meaning of Rule 803(6) of the Federal Rules of Evidence.

We are willing to meet and confer with you concerning this response.

Sincerely,



Lucius B. Lau

Attachment

# Attachment A

**ATTACHMENT A**

#	BATES NUMBER	AUTHENTIC?	BUSINESS RECORD WITHIN MEANING OF FRE 803(6)?
1.	TACP-CRT-00020562	NO	NO
2.	TAEC-CRT-00008902	YES	NO
3.	TAEC-CRT-00009116	YES	NO
4.	TAEC-CRT-00010351	YES	NO
5.	TAEC-CRT-00010411	YES	NO
6.	TAEC-CRT-00018123	YES	NO
7.	TAEC-CRT-00018126	YES	NO
8.	TAEC-CRT-00018555	YES	YES
9.	TAEC-CRT-00020529	YES	YES
10.	TAEC-CRT-00020530	YES	NO
11.	TAEC-CRT-00020718	YES	NO
12.	TAEC-CRT-00021577	YES	NO
13.	TAEC-CRT-00023685	YES	NO
14.	TAEC-CRT-00025345	YES	NO
15.	TAEC-CRT-00025518	YES	NO
16.	TAEC-CRT-00026960	YES	NO
17.	TAEC-CRT-00027321	YES	NO
18.	TAEC-CRT-00027616	YES	NO
19.	TAEC-CRT-00028971	YES	YES
20.	TAEC-CRT-00039256	YES	NO
21.	TAEC-CRT-00041564	YES	NO
22.	TAEC-CRT-00041606	YES	NO
23.	TAEC-CRT-00041709	YES	NO
24.	TAEC-CRT-00042216	YES	NO

25.	TAEC-CRT-00049876	YES	NO
26.	TAEC-CRT-00054277	YES	NO
27.	TAEC-CRT-00054383	YES	NO
28.	TAEC-CRT-00054572	YES	NO
29.	TAEC-CRT-00054831	YES	NO
30.	TAEC-CRT-00054896	YES	NO
31.	TAEC-CRT-00055023	YES	NO
32.	TAEC-CRT-00055069	YES	NO
33.	TAEC-CRT-00059040	YES	NO
34.	TAEC-CRT-00059798	YES	NO
35.	TAEC-CRT-00065483	YES	NO
36.	TAEC-CRT-00065484	YES	NO
37.	TAEC-CRT-00065518	YES	NO
38.	TAEC-CRT-00065529	YES	NO
39.	TAEC-CRT-00065635	YES	NO
40.	TAEC-CRT-00065667	YES	NO
41.	TAEC-CRT-00065969	YES	NO
42.	TAEC-CRT-00065986	YES	NO
43.	TAEC-CRT-00066181	YES	NO
44.	TAEC-CRT-00068610	YES	NO
45.	TAEC-CRT-00068894	YES	NO
46.	TAEC-CRT-00069157	YES	NO
47.	TAEC-CRT-00070348	YES	NO
48.	TAEC-CRT-00070960	YES	NO
49.	TAEC-CRT-00071173	YES	NO

50.	TAEC-CRT-00071245	YES	NO
51.	TAEC-CRT-00072148	YES	NO
52.	TAEC-CRT-00081210	YES	NO
53.	TAEC-CRT-00083156	YES	NO
54.	TAEC-CRT-00087223	YES	NO
55.	TAEC-CRT-00088054	YES	NO
56.	TAEC-CRT-00088432	YES	NO
57.	TAEC-CRT-00088715	YES	NO
58.	TAEC-CRT-00089342	YES	NO
59.	TAEC-CRT-00089968	YES	NO
60.	TAEC-CRT-00090127	YES	NO
61.	TAEC-CRT-00091750	YES	NO
62.	TAEC-CRT-00093312	YES	NO
63.	TAEC-CRT-00095236	YES	NO
64.	TAEC-CRT-00096166	YES	NO
65.	TAEC-CRT-00096935	YES	NO
66.	TET-CRT-00002363	YES	NO
67.	TET-CRT-00002966	YES	NO
68.	TET-CRT-00003403	YES	NO
69.	TSB-CRT-00018162	YES	NO
70.	TSB-CRT-00018805	YES	NO
71.	TSB-CRT-00025664	YES	NO
72.	TSB-CRT-00030283	YES	NO
73.	TSB-CRT-00033683	YES	NO
74.	TSB-CRT-00035348	YES	NO

75.	TSB-CRT-00035350	YES	NO
76.	TSB-CRT-00036828	YES	NO
77.	TSB-CRT-00036829	YES	NO
78.	TSB-CRT-00036875	YES	NO
79.	TSB-CRT-00039099	YES	NO
80.	TSB-CRT-00039194	YES	NO
81.	TSB-CRT-00039414	YES	NO
82.	TSB-CRT-00039415	YES	NO
83.	TSB-CRT-00041527	YES	NO
84.	TSB-CRT-00041620	YES	NO
85.	TSB-CRT-00041633	YES	NO
86.	TSB-CRT-00041721	YES	NO
87.	TSB-CRT-00041746	YES	NO
88.	TSB-CRT-00041862	YES	NO
89.	TSB-CRT-00041870	YES	NO
90.	TSB-CRT-00042255	YES	NO
91.	TSB-CRT-00042334	YES	NO
92.	TSB-CRT-00042440	YES	NO
93.	TSB-CRT-00042493	YES	NO
94.	TSB-CRT-00045123	YES	NO

# Attachment 2

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13 *Counsel to Defendants Toshiba Corporation,  
14 Toshiba America, Inc., Toshiba America  
15 Information Systems, Inc., Toshiba America  
16 Consumer Products, L.L.C., and Toshiba  
17 America Electronic Components, Inc.*

18 [Additional stipulating parties on signature  
19 page]  
20

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 (SAN FRANCISCO DIVISION)

24 IN RE: CATHODE RAY TUBE (CRT)  
25 ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

26 This Document Relates to:  
27

28 *The Indirect Purchaser Action*

THE TOSHIBA DEFENDANTS AND  
INDIRECT PURCHASER  
PLAINTIFFS' STIPULATION AND  
~~[PROPOSED]~~ ORDER  
WITHDRAWING PENDING  
MOTIONS

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'  
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS  
Case No. 07-5944 SC  
MDL No. 1917

1       Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America  
 2 Information Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba  
 3 America Electronic Components, Inc., (collectively, the “Toshiba Defendants”) and the  
 4 Indirect Purchaser Plaintiffs (the “IPPs”) have conferred by and through their counsel and,  
 5 subject to the Court’s approval, HEREBY STIPULATE AS FOLLOWS:  
 6

7       WHEREAS, at the time of this stipulation, the Toshiba Defendants have certain  
 8 summary judgment motions, motions *in limine*, and miscellaneous non-dispositive motions  
 9 pending against the IPPs;

10      WHEREAS, at the time of this stipulation, the IPPs have certain motions *in limine* and  
 11 motions to compel pending against the Toshiba Defendants;

12      WHEREAS, the parties have executed a settlement agreement that would release the  
 13 IPPs’ claims against the Toshiba Defendants (the “Settlement Agreement”);

14      WHEREAS, the Settlement Agreement is subject to the approval of the Court and will  
 15 become final and conclusive only when the Court has entered a final order approving the  
 16 Settlement Agreement under Federal Rule of Civil Procedure 23(e), a final judgment is entered  
 17 dismissing the underlying action with prejudice as it relates to IPPs’ claims against the Toshiba  
 18 Defendants, and all relevant appeals have been exhausted;

19      WHEREAS, in light of the Settlement Agreement, the Toshiba Defendants seek to  
 20 withdraw all pending motions solely as they pertain to the IPPs, subject to reinstatement in the  
 21 event that the Settlement Agreement does not become final and conclusive;

22      WHEREAS, in light of the Settlement Agreement, the IPPs seek to withdraw all pending  
 23 motions solely as they pertain to the Toshiba Defendants, subject to reinstatement in the event that  
 24 the Settlement Agreement does not become final and conclusive;

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THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS’  
 STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS  
 Case No. 07-5944 SC  
 MDL No. 1917

1        WHEREAS, the Toshiba Defendants and the IPPs do not seek to withdraw any motions to  
2 the extent that they pertain to any other plaintiff or any other defendant;

3        NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between  
4 counsel as follows:

- 5        1. The Toshiba Defendants withdraw the following motions with respect to the IPPs:
- 6              a. The Toshiba Defendants' Motion for Summary Judgment Concerning  
7                  Withdrawal (ECF No. 2995);  
8              b. The Toshiba Defendants' Motion *in Limine* to Preclude Evidence  
9                  Regarding Damages Allegedly Suffered by the New York Indirect  
10               Purchaser Plaintiffs Class Prior to December 23, 1998 (ECF No. 3573);  
11              c. The Toshiba Defendants' Motion *in Limine* to Preclude IPP Alter Ego  
12               Theories of Liability at Trial (ECF No. 3576);  
13              d. The Toshiba Defendants' Motion to Decertify the Statewide IPP Classes  
14               for Damages (ECF No. 3585);  
15              e. The Toshiba Defendants' Motion for an Order to Direct Certain Indirect  
16               Purchaser Class Representatives to Testify Live at Trial (ECF No. 3588);  
17               and  
18              f. The Toshiba Defendants' Motion to Strike Class Representatives With  
19               Inadequate Proof of Their Individual Purchases of Televisions or Monitors  
20               (ECF No. 3595).
- 21        2. The Toshiba Defendants withdraw the following separately-filed joinders with  
22               respect to the IPPs:

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26  
27  
28        THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'  
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC  
MDL No. 1917

- 1                   a. The Toshiba Defendants' Joinder to the Hitachi Parties' Motion for  
2                   Summary Judgment Based Upon the Lack of Evidence of Participation in  
3                   the Alleged Conspiracy (ECF No. 3010);  
4
  - 5                   b. The Toshiba Defendants' Joinder to the Hitachi Defendants' Motion for  
6                   Summary Judgment Based Upon Withdrawal and the Statutes of  
7                   Limitations (ECF No. 3011);  
8
  - 9                   c. Toshiba Defendants' Joinder to Philips Electronics North America  
10                  Corporation's, Philips Taiwan Limited's, and Philips Do Brasil Ltda.'s  
11                  Motion for Partial Summary Judgment (ECF No. 3028);  
12
  - 13                  d. The Toshiba Defendants' Joinder to Koninklijke Philips N.V.'s, Philips  
14                  Electronics North America Corporation's, Philips Taiwan Limited's, and  
15                  Philips Do Brasil Ltda.'s Motion for Summary Judgment Against Indirect  
16                  Purchaser Plaintiffs Who are Natural Persons Residing in California (ECF  
17                  No. 3042);  
18
  - 19                  e. The Toshiba Defendants' Joinder to Koninklijke Philips N.V.'s Motion for  
20                  Summary Judgment (ECF No. 3045); and  
21
  - 22                  f. The Toshiba Defendants' Limited Joinder to Defendants' Motion *in Limine*  
23                  #4 to Exclude LCD and Other Non-CRT Product Conspiracies (ECF No.  
24                  3692).
- 25                  3. The Toshiba Defendants withdraw their joinders to the following joint motions  
26                  with respect to the IPPs:
- 27                  a. Defendants' Motion for Partial Summary Judgment as to Indirect Purchaser  
28                  Plaintiffs' and Certain Direct Action Plaintiffs' State Law Claims on  
                        Statute of Limitations Grounds (ECF No. 2978);

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'  
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917

- 1                   b. Defendants' Motion for Partial Summary Judgment on Plaintiffs' Indirect
- 2                   Purchaser Claims Based on Foreign Sales (ECF No. 3006);
- 3                   c. Defendants' Joint Motion for Summary Judgment Based Upon Plaintiffs'
- 4                   Failure to Distinguish Between Actionable and Non-Actionable Damages
- 5                   Under the FTAIA (ECF No. 3008);
- 6                   d. Defendants' Joint Motion for Partial Summary Judgment Against Indirect
- 7                   Purchaser Plaintiffs and Certain Direct Action Plaintiffs for Lack of
- 8                   Antitrust Injury and Antitrust Standing Under Federal and Certain State
- 9                   Laws (ECF No. 3050);
- 10                  e. Defendants' Motion *in Limine* #3: To Exclude All Evidence and Reference
- 11                  at Trial to the U.S. Department of Justice's Criminal Investigations of the
- 12                  Cathode Ray Tube Industry (ECF No. 3556);
- 13                  f. Defendants' Motion *in Limine* #11: To Exclude References to Documents
- 14                  or Behavior Not in Evidence (ECF No. 3557);
- 15                  g. Defendants' Joint Motion *in Limine* No. 1: Motion for Pretrial Proffer and
- 16                  Ruling on Admissibility of Alleged Co-Conspirator Statements Under Fed.
- 17                  R. E. 801(d)(2)(E) (ECF No. 3559);
- 18                  h. Defendants' Motion *in Limine* #8: To Exclude Evidence and Argument
- 19                  Relating to Damages from "Spillover" or "Ripple" Effects of Foreign
- 20                  Price-Fixing Activities on U.S. Prices (ECF No. 3563-3);
- 21                  i. Defendants' Motion *in Limine* #12: To Exclude Plaintiffs' "Price Ladder"
- 22                  Theory of Recovery (ECF No. 3568);
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THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'  
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917

- 1                   j. Defendants' Joint Motion *in Limine* to Exclude Improper Characterizations  
 2                   of or Reference to Defendants and Alleged Co-Conspirators [Defendants'  
 3                   MIL No. 6] (ECF No. 3571);  
 4  
 5                   k. Defendants' Joint Motion *in Limine* No. 13 to Allow Full Defense  
 6                   Examination of Common Witnesses During Plaintiffs' Case-in-Chief and  
 7                   Limit Use of Deposition Testimony (ECF No. 3579);  
 8  
 9                   l. Defendants' Motion *in Limine* No. 2 to Exclude Evidence or Testimony  
 10                  Pertaining to Foreign Antitrust Investigations (ECF. No. 3583); and  
 11  
 12                  m. Defendants' Motion *in Limine* #5: To Exclude Plea By Samsung SDI  
 13                  Company, Ltd. as to Non-Pleading Defendants or, Alternatively, to Provide  
 14                  a Limiting Instruction (ECF No. 3589).
- 15                  4. The IPPs withdraw the following motions with respect to the Toshiba Defendants:  
 16  
 17                  a. IPPs' Motion *in Limine* No. 1: To Preclude Reference to Duplicative  
 18                  Recovery (ECF No. 3537).  
 19  
 20                  b. IPPs' Motion *in Limine* No. 2: To Preclude Reference to Treble Damages,  
 21                  Fees, and Costs (ECF No. 3538).  
 22  
 23                  c. IPPs' Motion *in Limine* No. 4: To Preclude Reference to Other Lawsuits  
 24                  Filed by Any of the Named Plaintiffs (ECF No. 3540).  
 25  
 26                  d. IPPs' Motion *in Limine* No. 5: To Preclude Reference to Relationships  
 27                  Between Lawyers and Plaintiffs (ECF No. 3541).  
 28  
 29                  e. IPPs' Motion *in Limine* No. 6: To Preclude Reference to Plaintiffs'  
 30                  Attendance or Non-Attendance at Trial (ECF No. 3542).

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'  
 STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917

- 1 f. IPPs' Motion *in Limine* No. 7: To Preclude Reference to or Argument
- 2 About How Class Plaintiffs Became Involved in This Case or That the
- 3 Case is "Lawyer-Driven" (ECF No. 3543).
- 4 g. IPPs' Motion *in Limine* No. 8: To Preclude Reference to and Exclude
- 5 Evidence of the Absence of Criminal Indictment, Conviction or Guilty Plea
- 6 (ECF No. 3544).
- 7 h. IPPs' Motion *in Limine* No. 9: To Preclude Reference to or Argument
- 8 About Plaintiffs' Failure to Mitigate Damages (ECF No. 3545).
- 9 i. IPPs' Motion *in Limine* No. 10: To Exclude the Testimony of Witnesses
- 10 Not Designated Pursuant to the Court's Scheduling Orders (ECF No.
- 11 3546).
- 12 j. IPPs' Motion *in Limine* No. 12: To Exclude Percipient Witnesses, Except
- 13 for One Party Representative, from the Courtroom Unless They Are
- 14 Testifying (ECF No. 3548).
- 15 k. IPPs' Motion *in Limine* No. 13: To Preclude Live Testimony of
- 16 Defendants' Witnesses Who Are Not Made Available to Testify Live in
- 17 Plaintiffs' Case-in-Chief (ECF No. 3549).
- 18 l. IPPs' Motion *in Limine* No. 14: To Limit Defendants' Deposition
- 19 Designations presented in Plaintiffs' Case to Reasonable Cross and to
- 20 Exclude Unrelated Designations (ECF No. 3550).
- 21 m. IPPs' Motion *in Limine* No. 15: To Preclude Reference to the Fact, Terms
- 22 or Amounts of Prior Settlements (ECF No. 3551).
- 23 n. IPPs' Motion *in Limine* No. 16: To Preclude Reference to and Exclude
- 24 Evidence of Other CRT Litigations (ECF No. 3552).

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'  
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917

- 1 o. IPPs' Motion *in Limine* No. 17: To (1) Preclude Argument That the  
2 Samsung SDI Guilty Plea Includes DOJ Findings of Fact; (2) Exclude  
3 Evidence of the Volume of Affected Sales in the Guilty Plea; (3) Exclude  
4 Evidence of the Fact and amount of the criminal Fine; and (4) Exclude Any  
5 Statement by the DOJ Characterizing the CRT Conspiracy (ECF No.  
6 3553).
- 7 p. IPPs' Motion *in Limine* No. 18: To Preclude Argument That Price Fixing  
8 was Pro-Competitive or Necessary (ECF No. 3554).
- 9 q. IPPs' Motion *in Limine* No. 19: To Exclude Character Evidence (ECF No.  
10 3555).
- 11 r. IPPs' September 12, 2014 Motion to Compel Interrogatory Responses  
12 (submitted to Special Master Walker).
- 13 s. IPPs' September 19, 2014 Motion to Compel Interrogatory Responses  
14 (submitted to Special Master Walker).
- 15 t. IPPs' December 22, 2014 Motion to Compel Deposition of Shigekazu  
16 Shibata (submitted to Special Master Walker).
- 17 5. The IPPs withdraw their joinders to the following joint motions with respect to the  
18 Toshiba Defendants:  
19
  - 20 a. Plaintiffs' September 2, 2014 Motion to Compel the Toshiba Defendants to  
21 Produce Deposition Witnesses (submitted to Special Master Walker) and  
22 IPPs' related Response to Objection of Toshiba Defendants to Order  
23 Granting Motion to Compel Production of Witnesses (ECF No. 3171).
  - 24 b. Plaintiffs' October 29, 2014 Motion to Compel Responses to Requests for  
25 Admission (submitted to Special Master Walker).
- 26
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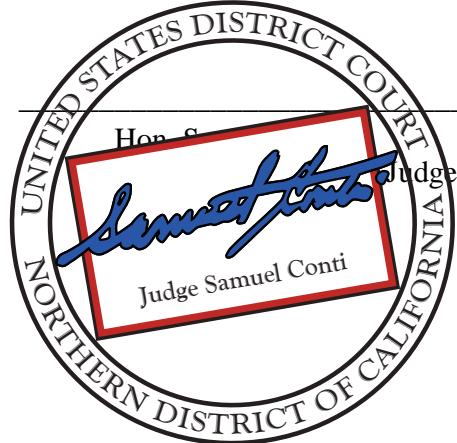
THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS'  
STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC  
MDL No. 1917

6. The above motions and joinders shall be subject to reinstatement in the event that the Settlement Agreement does not become final and conclusive.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 03/26/2015



White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005

THE TOSHIBA DEFENDANTS AND INDIRECT PURCHASER PLAINTIFFS' STIPULATION AND [PROPOSED] ORDER WITHDRAWING PENDING MOTIONS

Case No. 07-5944 SC

MDL No. 1917



# Attachment 3

1 [Stipulating parties listed on signature page]  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 IN RE: CATHODE RAY TUBE (CRT)  
13 ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC  
MDL NO. 1917

14 \_\_\_\_\_  
15 This Document Relates to: ALL INDIRECT  
PURCHASER ACTIONS  
16 \_\_\_\_\_  
17 \_\_\_\_\_

**STIPULATION AND [PROPOSED] ORDER REGARDING PANASONIC DEFENDANTS' SUPPLEMENTAL RESPONSES TO INDIRECT PURCHASER PLAINTIFFS' FIRST SET OF INTERROGATORIES AND EXTENDING DEADLINE TO FILE MOTION TO COMPEL**

18 This Stipulation and Proposed Order between the Indirect-Purchaser Plaintiffs ("IPPs")  
19 and Panasonic Corporation, f/k/a Matsushita Electric Industrial Co., Ltd. ("Panasonic Corp."),  
20 Panasonic Corporation of North America ("PNA"), and MT Picture Display Co., Ltd. ("MTPD")  
21 (collectively, "Panasonic Defendants") (together, the "Parties") is made with respect to the  
22 following facts and recitals:  
23

WHEREAS, the IPPs and the Panasonic Defendants have met and conferred and have  
24 resolved all outstanding discovery issues with regard to IPPs' motion to compel supplemental  
25 responses from the Panasonic Defendants to IPPs' First Set of Interrogatories to all Defendants  
26 ("Interrogatories"), which was filed with the Special Master on September 12, 2014;

27 WHEREAS, the Panasonic Defendants have agreed to supplement their responses to  
28

1 Interrogatory No. 7, as it relates to their affirmative defenses Nos. 21-41;

2 WHEREAS, Panasonic Defendants have also agreed to supplement their responses to  
3 Interrogatory Nos. 8, 9, 10, 11, 12, 15, 16, 18, 22, 23 and 24;

4 WHEREAS, the Panasonic Defendants agree to supplement their responses to the above-  
5 described Interrogatories by October 17, 2014;

6 WHEREAS, the Panasonic Defendants agree to extend the deadline by which the IPPs  
7 may file a motion to compel regarding the Panasonic Defendants' supplemental responses to the  
8 above-described Interrogatories to October 24, 2014; and

9 WHEREAS, the IPPs hereby withdraw their September 12, 2014 motion to compel  
10 supplemental interrogatory responses from the Panasonic Defendants.

11 **IT IS HEREBY STIPULATED AND AGREED** between the undersigned counsel that:

- 12 1. The Panasonic Defendants will serve supplemental responses to the IPPs' Interrogatory  
13 Nos. 7 (regarding affirmative defenses Nos. 21-41), 8, 9, 10, 11, 12, 15, 16, 18, 22, 23  
14 and 24, no later than October 17, 2014;
- 15 2. The IPPs may file a motion to compel regarding the Panasonic Defendants'  
16 supplemental responses to the IPPs' Interrogatory Nos. 7 (regarding affirmative  
17 defenses Nos. 21-41), 8, 9, 10, 11, 12, 15, 16, 18, 23 and 24, no later than October 24,  
18 2014; and
- 19 3. The IPPs withdraw their September 12, 2014 motion to compel supplemental  
20 interrogatory responses from the Panasonic Defendants.

21  
22 The undersigned Parties jointly and respectfully request that the Court enter this stipulation  
23 as an order.

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1 Dated: September 26, 2014

TRUMP, ALIOTO, TRUMP & PRESCOTT LLP

2

3

/s/ Lauren C. Capurro

4

Mario N. Alioto (56433)

5

Lauren C. Capurro (Russell) (241151)

6

TRUMP, ALIOTO, TRUMP & PRESCOTT LLP

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Telephone: (415) 563-7200

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Facsimile: (415) 346-0679

11

*Lead Counsel for Indirect Purchaser Plaintiffs*

12

Dated: September 26, 2014

WEIL, GOTSHAL & MANGES LLP

13

By: /s/ Adam C. Hemlock

14

DAVID L. YOHAI (*pro hac vice*)

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ADAM C. HEMLOCK (*pro hac vice*)

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Facsimile: (212) 294-4700

E-mail: jkessler@winston.com

26 Attorneys for Defendants Panasonic Corporation

(f/k/a Matsushita Electric Industrial Co., Ltd.),

27 Panasonic Corporation of North America, and MT

28 Picture Display Co., Ltd.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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4 Dated: October 22, 2014  
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## **ECF CERTIFICATION**

Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this document has been obtained from each of the above signatories.

Dated: September 26, 2014

/s/ Lauren C. Capurro

Mario N. Alioto (56433)

Lauren C. Capurro (Russell) (241151)

## TRUMP, ALIOTO, TRUMP & PRESCOTT LLP

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Facsimile: (415) 346-0679

*Lead Counsel for the Indirect Purchaser Plaintiffs*

# Attachment 4

**Arguello, Sofia**

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**From:** Jonathan J. Ross [<mailto:JROSS@SusmanGodfrey.com>]

**Sent:** Friday, September 12, 2014 12:03 PM

**To:** Donovan, Molly M.

**Cc:** Tschirgi, John S.

**Subject:** RE: CRT

Confirmed.

---

**From:** Donovan, Molly M. [<mailto:MMDonovan@winston.com>]

**Sent:** Friday, September 12, 2014 11:07 AM

**To:** Jonathan J. Ross

**Cc:** Tschirgi, John S.

**Subject:** CRT

Jonathan,

I'm writing to memorialize our arrangement with respect to the interrogatories and document requests served on the Panasonic defendants (Panasonic) on August 1, 2014 that have been the subject of our meet and confer discussions.

With respect to the interrogatories, Panasonic will provide the names of employee-witnesses who met and/or spoke with the Department of Justice regarding CRTs, the dates and locations of those communications, as well as a one or two sentence high-level summary of what was discussed. Panasonic will provide the same information with respect to communications between employee-witnesses and any foreign antitrust authorities regarding CRTs.

With respect to the document requests, Panasonic will produce any non-original, non-privileged and substantive documents that were provided to the Department of Justice regarding CRTs. As discussed, we have identified only one letter that meets such criteria. (For completeness, we previously produced in the MDL all pre-existing (i.e., original) documents that were provided to the Department of Justice, so there is nothing left to produce in that regard.)

(We note that by responding to the interrogatories, Panasonic does not waive, and expressly reserves its previously lodged objection that every request exceeds the numerical limit of Rule 33(a)(1)).

In exchange, the DAPs agree not to file any motion to compel against Panasonic relative to the Department of Justice or any foreign investigations or proceedings regarding CRTs, and will not otherwise seek to obtain information regarding Panasonic and such investigations or proceedings either from Panasonic or from any government agency. This, however, does not preclude the DAPs from continuing their current efforts to try to obtain the EU decision.

Please confirm the above.

Best,  
Molly

**Molly Donovan**

Winston & Strawn LLP

D: +1 (212) 294-4692

[winston.com](http://winston.com)



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